



PATENT APPLICATION
Q63542

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

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In re application of

Werner BLUMENSTOCK, et al.

Appln. No.: 09/839,419

Group Art Unit: 2685

Confirmation No.: 3448

Examiner: Duc M. Nguyen

Filed: April 23, 2001

For: SYSTEM AND METHOD FOR REMOTE MAINTENANCE
AND/OR REMOTE DIAGNOSIS OF AN AUTOMATION
SYSTEM BY MEANS OF ELECTRONIC MAIL

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the "Notice of Non-Compliant Amendment" dated January 8, 2004 (copy enclosed), Applicants respectfully direct the Examiner's attention to page 6 of the Amendment dated December 29, 2003, wherein line 6 of claim 9 is amended by substituting a semicolon (;) for the comma (,), both of which, in fact, are marked as required by 37 C.F.R. §1.121. No other amendment to the remaining claims was

RESPONSE TO NOTICE OF NON-COMPLIANCE
U.S. SERIAL NO. 09/839,419

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effected, and each of claims 1-8 and 10-15 is appropriately marked as being the "original" claim. In addition, new claim 16 is presented. A duplicate copy of the Amendment previously filed on December 29, 2003, is submitted herewith.

In view of the preceding remarks, Applicants respectfully submit that the Amendment Under 37 C.F.R. §1.111 as filed on December 29, 2003, is complete, correct and marked pursuant to 37 C.F.R. §1.121. Accordingly, the Notice of Non-Compliant Amendment dated January 8, 2004, should be withdrawn..

If any fees are due (except the Issue Fee and/or Publication Fee), please charge the same to our Deposit Account No. 19-4880.

Respectfully submitted,

SUGHRUE MION, PLLC

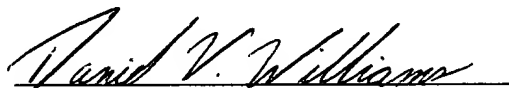
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,419	04/23/2001	Werner Blumenstock	Q63542	3448

7590 01/08/2004

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EXAMINER

NGUYEN, DUC M

ART UNIT PAPER NUMBER

2685

DATE MAILED: 01/08/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

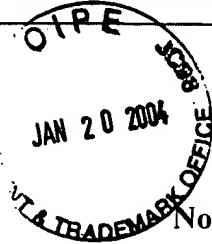
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Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 12/29/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: Claims Donot show markings for Additions or Deletions

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For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is **not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Karl Vostal
Legal Instruments Examiner (LIE)

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